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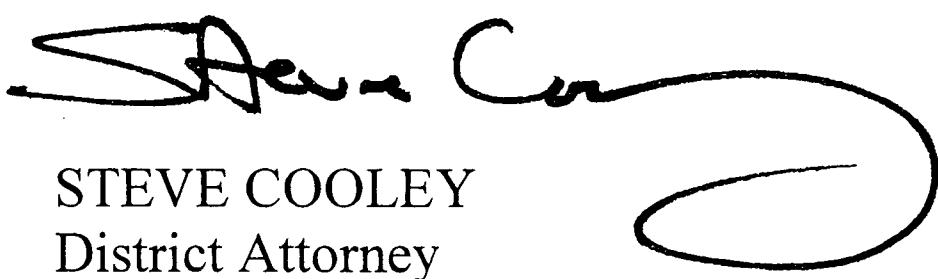
The Honorable Gloria Molina
Supervisor, First District
856 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisor Molina:

As Los Angeles County District Attorney, I STRONGLY OPPOSE Proposition 5, slated for the November 4, 2008, ballot. For the reasons stated in the enclosed materials, I urge the Board of Supervisors to oppose this unneeded, incredibly wasteful, and public safety endangering proposal.

On July 16th, CCJCC voted unanimously to recommend that this Board opposes Proposition 5. When the matter comes before you, I strongly encourage you to do the same.

Very truly yours,


STEVE COOLEY
District Attorney

SP/lkt

Enclosures

c: Judy Hammond
Public Information Office



**NOVEMBER 4, 2008 PROPOSITION 5
A POSITION PAPER
BY DISTRICT ATTORNEY STEVE COOLEY**

The supporters of Proposition 5 are trying to convince Californians that they can free addicts from drug dependence, end prison overcrowding and save the state billions of dollars by simply voting “yes”. This misguided proposition will not only fail to produce the desired results, but it will cost the taxpayers billions of dollars, needlessly clog the courts, and divert scarce resources from those who really want sobriety to those who simply want a “Get-Out-of-Jail-Free” card. Worse still, once passed, the provisions of Proposition 5 can only be changed by a four-fifths (80%) vote of the legislature. I strongly urge a “NO” vote.

Defendants who commit arson of a structure or forest land, commercial burglary, vandalism, sell drugs, steal our cars and our identities, traffic in child pornography, drive under the influence of drugs or alcohol, sexually exploit teenagers and the mentally disabled deserve incarceration. Under Proposition 5, if these criminals “appear” to have a problem with substance abuse or addiction they will get probation and treatment, not prison. A criminal who is in treatment under Proposition 5 instead of being incarcerated can continue to use drugs without fear of incarceration. Under the provisions of Proposition 5, more than 50,000 Los Angeles County criminals a year could escape responsibility for their crimes.

The price tag for Proposition 5, according to the Legislative Analyst's Office, could exceed \$1 billion a year. This does not take into account costs associated with the dramatic increase in court cases. In 2007, approximately 18,000 Los Angeles County defendants received treatment under Deferred Entry of Judgment, Proposition 36 or Drug Court programs. If Proposition 5 were to pass, the number of defendants entitled to treatment in lieu of incarceration could increase by more than 2½ times (i.e., 50,000 based on 2007 filings) inundating Los Angeles County courts with thousands of additional appearances, clogging the system, and straining limited court resources.

The claim that Proposition 5 will save billions of dollars because new prisons will not be needed is untrue. Proposition 5 assumes that everyone who receives drug treatment will complete the program and never again commit a crime. There is no reason to believe that this program will be any more successful than Proposition 36, which, according to a UCLA study, has a failure rate of 77%. Under Proposition 5, Californians will pay twice – first for failed treatment and ultimately for incarceration.

The enormous bureaucracy envisioned by Proposition 5 will treat all eligible defendants the same, stripping judges of their discretion. Drug courts, which now can craft appropriate treatment programs tailored to the specific addiction history of a defendant, will be strictly limited as to treatment terms and conditions.

Under Proposition 5, prisoners may serve as little as one-third of their original sentence. Once released, all but the most serious offenders will be supervised on parole for only six months. While on parole, these convicted criminals can test positive for drugs, commit new misdemeanor offenses, and abscond without fear of returning to prison.

Proposition 5 also uses taxpayer money to provide convicted criminals with housing assistance, childcare, education stipends for college or trade school, transportation to and from drug treatment, and “harm reduction therapy” aimed at teaching responsible drug use. When the provisions of Proposition 5 prove ineffective, change can only be made by a four-fifths (80%) vote of the legislature.

Proposition 5’s unproven programs will waste billions of dollars, allow tens of thousands of criminals to escape punishment and lead to a significant increase in crime. Effectively decriminalizing a wide variety of criminal offenses does nothing other than greatly endanger the public. If Proposition 5 becomes law, crime will pay and law-abiding Californians will pay even more.

PROPOSITION 5

There is No Evidence that Proposition 5 Will Work

- There is no evidence that the programs will work
- The provisions of Proposition 5 are nothing more than a taxpayer funded social experiment
- Once passed, it will take a 4/5 vote of the Legislature to fix

Proposition 5 Destroys California's Successful Drug Courts

- Success Rates of up to 70% in some counties
- Strips drug courts of most effective tools, including 90-day custodial detox
- The National Association of Drug Court Professionals is strongly opposed

Proposition 5 Erodes Sanctions Currently in Place

- Restitution to victims is optional
- Incarceration is optional
- In Los Angeles County, more than 50,000 criminals a year could go unpunished

Proposition 5 Permits Continued Drug Use While in Treatment

- Positive drug tests while on probation or parole will not result in violations, incarceration or new criminal charges

Proposition 5 Gives “Preferable Parole” for Many Thieves and Drug Dealers

- Parole for drug dealers who traffic in as much as one kilogram (\$50,000 in methamphetamine and \$30,000 in cocaine) and those who commit “nonviolent property” offenses shall not exceed 6 months
- Paroled Felons can continue to use drugs without being sent back to prison
- Paroled Felons who commit new misdemeanor offenses will not be sent back to prison
- Paroled Felons who abscond from parole will receive, upon capture, no more than 30 days in county jail

A Defendant Who Successfully Completes Treatment Under Proposition 5 Can Have the Felony Dismissed and All Files Sealed. Crimes Included:

- Identity Theft
- Arson of a Structure or Forest Land
- Sexual Exploitation of Teenagers or the Mentally Disabled
- Manufacturing and Sale of Controlled Substances
- Possession of Child Pornography
- Driving Under the Influence
- Commercial Burglary
- Grand Theft-regardless of the loss